



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS AND FORT HOOD
1001 761ST TANK BATTALION AVENUE
FORT HOOD, TX 76544

COMMAND POLICY
SJA-02

AFZF-JA

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Private Organizations

1. REFERENCES.

- a. DOD 5500.7-R, Joint Ethics Regulation (JER), current version.
- b. AR 600-20, Army Command Policy, 18 Mar 08.
- c. AR 210-22, Private Organizations on Department of the Army Installations, 22 Oct 01.
- d. FH Reg. 210-56, Private Organizations (POs).
- e. OTJAG Administrative Law Division, Information Paper, Subject: Ethics Rules Governing Offers of Attendance and Reporting Requirements, 8 Jan 08.
- f. OTJAG Administrative Law Division, Information Paper, Subject: Private Organizations, 29 Sep 08.
- g. Memorandum, GEN Chiarelli, VCSA, to Senior Leaders, Subject: Activities Involving Private Organizations (POs), 1 Oct 08.
- h. Memorandum, P. Christopher Clark, FORSCOM Ethics Counselor, to FORSCOM Primary Ethics Counselors, Subject: Compliance with the Prohibition on Providing Official Endorsements, 22 Aug 08.

2. APPLICABILITY. This policy applies to all service members and civilian employees assigned to, attached to, or under the operational control of III Corps and Fort Hood or one of its major subordinate commands.

3. POLICY.

a. III Corps and Fort Hood continues to receive tremendous support from the community and many diverse entities and private organizations. Among these supporters are very worthwhile private organizations, to include military professional associations that share the Army's interest, represent interests of Soldiers and their Families, and support the Fort Hood community. Private organizations are entities that are not part of the Federal Government, Department of Defense, or Department of the Army. These entities include, among other things, individuals, Government contractors,

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corporations, non-profit groups, Boy and Girl Scout Troops, fraternal organizations, religious organizations, and military associations.

b. My purpose is neither to encourage nor to discourage involvement with any particular private organization. Instead, I wish to ensure that service members and civilian employees understand and follow the ethical rules concerning their interactions with private organizations.

c. Rules for operating on post. IAW FH Reg 210-56, before operating on Fort Hood, private organizations must request and receive written permission from the DFMWR as the Garrison Commander's designee. A written agreement is also needed to occupy or use buildings on Fort Hood. After receiving permission to operate on the installation, private organizations must comply with applicable reporting, accounting, and record keeping requirements described in references 1.c. and 1.d. Failure to comply may result in this permission being withdrawn.

d. Impartiality. Service members and civilian employees must remain impartial when dealing with private organizations in their official capacities. They cannot use their official position to conduct the business of the private organization. If they are active participants in a private organization, they may not engage in any official activities in which the organization is a party or has a financial interest, including decisions to provide logistical support to the organization or one of its events.

e. Use of government resources. Federal government resources, including time, personnel, equipment, and property, shall be used for official purposes only. With very limited exceptions under the JER, service members and civilian employees may not support the activities of a private organization during duty hours. In certain circumstances, the Army may provide limited, official support to private organizations and their events. This determination requires prior coordination with an ethics counselor.

f. Endorsement. Section 3-209 of the Joint Ethics Regulation (JER) (reference 1.a.) prohibits official endorsement of a private organization or any of its activities. With a few notable exceptions—such as the Combined Federal Campaign (as opposed to the specific charities within the campaign) and Army Emergency Relief—military uniforms, titles, duty positions, or organization names may not be used to suggest official sanction of or to confer preferential treatment upon private organizations. This prohibition applies regardless of whether a service member or civilian employee receives compensation for an endorsement.

g. Fundraising and Membership Drives. Army officials may not provide official support to fundraising or membership drives of private organizations. Proscribed activities include, for example, establishing membership goals, providing incentives for joining a private organization, maintaining by-name membership lists, or tracking

membership statistics to influence nonmembers. Further, commanders must prohibit any practice that involves or creates the appearance of compulsion, coercion, undue influence, or reprisal in the conduct of these membership drives. This prohibition includes repeated orientations, meetings, or similar counseling of persons who have chosen not to join after given a chance to do so. It also includes membership recommendations or suggestions from senior officers to subordinates, which are inherently coercive.

h. Acting in one's personal capacity. When acting in their personal capacities during personal, off-duty time, service members and civilian employees have more freedom to support and actively participate in private organizations. Acting in a "personal capacity" requires that the following criteria be satisfied:

(1) Service members and civilian employees do not use military or government positions, titles (other than rank), organization names (other than branch of service), or any other authority associated with their federal employment, including their uniforms.

(2) Service members and civilian employees neither suggest nor create a reasonable appearance that the Army officially endorses, sanctions, or provides preferential treatment to a private organization, product, event, service, or enterprise.

i. Extremist organizations. Despite the relative permissiveness concerning participation in private organizations in one's personal capacity, service members must reject participation in extremist organizations. Extremist organizations are groups that: (1) advocate racial, gender, or ethnic hatred or intolerance; (2) advocate, create, or engage in illegal discrimination; or (3) use or advocate the use of force, violence, or unlawful means to deprive individuals of their constitutional or statutory rights. Most involvement with such organizations beyond mere membership is impermissible. AR 600-20 contains a detailed list of prohibited activities, violations of which could result in disciplinary action under the Uniform Code of Military Justice.

j. Conferences and meetings. Upon receipt of an unsolicited invitation to attend a private organization's conference, meeting, or similar event in an official capacity, service members and civilian employees will consult with their respective supervisors or ethics counselors. Acceptance of a gift of free attendance or travel payments from the event's sponsor may be permissible. Prior coordination with an ethics counselor, however, is essential.

k. Direct further questions on these rules to your servicing legal office.

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4. EXPIRATION. This policy memorandum supersedes the policy memorandum SJA-04 dated 6 November 2008, and will remain in effect until superseded or rescinded.



ROBERT W. CONE
Lieutenant General, USA
Commanding

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